

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

JEAN ROBERT SAINT-JEAN, EDITH  
SAINT-JEAN, FELEX SAINTIL, YANICK  
SAINTIL, LINDA COMMODORE,  
BEVERLEY SMALL, JEANETTE SMALL,  
and FELIPE HOWELL,

Plaintiffs,

v.

EMIGRANT MORTGAGE COMPANY and  
EMIGRANT BANK,

Defendants.

Civil Action No. 11-cv-2122

**JOINT MOTION FOR BRIEFING SCHEDULE TO FILE NOTICE OF TAXATION OF  
COSTS AND MOTION FOR ATTORNEYS' FEES & COSTS**

The parties respectfully request a schedule and extension of time to file any notices of taxation of costs and motions for attorneys' fees and costs.

In an order dated November 4, 2022, the district court granted the parties' joint motion for briefing schedule (Dkt. No. 730). Pursuant to this schedule, notices and motions of taxations of costs and motions for attorneys' fees and costs are currently due "within 60 days of resolution of the appeal and any subsequent proceedings"; any responses are due 60 days after the filing of notices; and any replies are due 28 days thereafter.

On February 21, 2025, the United States Court of Appeals for the Second Circuit issued a decision affirming the district court's decision. Defendants then filed a petition for panel rehearing or in the alternative for rehearing *en banc*. On March 28, 2025, Defendants' petition was denied, and a mandate was issued.

Defendants intend to file a petition for writ of certiorari to the United States Supreme Court. Accordingly, the parties request an amended briefing schedule for any notices of taxation of costs and motions for attorneys' fees and costs that is tied to the resolution of the expected appeal in front of the Supreme Court. Such a schedule maximizes efficiency and will ensure that any bills of costs and motions for attorneys' fees and costs will comprise a complete and accurate record of all proceedings for the prevailing parties. Submission prior to the resolution of final appeal will require the prevailing parties to supplement their notices of taxation of costs with any additional costs, supplement their motions for attorneys' fees and costs with time spent on the appeal, and to make other adjustments necessitated by any further rulings.

Accordingly, the parties request the following extension of time for the parties to file their notices of taxation of costs and motions for attorneys' fees and costs:

- 1) Prevailing parties' notice and motion due 120 days after the resolution of the appeal in front of the Supreme Court, *i.e.*, an order denying a petition for writ of certiorari or a decision on the merits;
- 2) Opposing parties' response due 60 days after the prevailing parties' notice and motion;
- 3) Prevailing parties' reply due 28 days after opposing parties' response.

If Defendants decide not to file a petition for writ of certiorari, the parties request that the same briefing schedule run from the date on which the time to file a petition expires.

For the foregoing reasons, the parties respectfully request this schedule and extension of time for the parties to file their notices of taxation of costs and their motions for attorneys' fees and costs.

DATED: April 9, 2025

Respectfully submitted,

*/s/ Matthew A. Schwartz*

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*/s/ Lila Miller*

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